

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, DC 20426

OFFICE OF THE CHAIRMAN

November 21, 2013

The Honorable John Barasso, M.D.  
United States Senate  
307 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Barasso:

Thank you for your November 7, 2013 letter in which you inquire about the matters that I have recused and will recuse myself from while serving as Chairman of the Federal Energy Regulatory Commission (FERC). Please know that I share your interest regarding my compliance with all ethics rules during my transition period. As such, let me assure you that I have fully complied with all ethics rules. So that I could remain impartial during this transition period, I instituted a careful process under the guidance of the FERC Ethics Official that prevents me from having decision-making authority and excludes me from participating in all matters involving Stoel Rives, L.L.P. This process has been in place since the time that I initially had contact with Stoel Rives concerning a post FERC job opportunity.

As required by the applicable ethics laws and regulations, on July 3, 2013, I notified the FERC Ethics Official that I would recuse myself from all FERC matters involving Stoel Rives, a law firm with which I was commencing possible employment discussions. Thereafter, upon obtaining an offer of employment with the firm, on September 3, 2013, I signed and submitted to the Ethics Official a "Notification of Post-Government Employment or Compensation Negotiation or Agreement and Recusal Statement," as required by Section 17 of the Stop Trading on Congressional Knowledge Act of 2012. On September 16, 2013, I supplemented my submission to indicate that I had accepted a contingent offer of employment. The exact extent of my recusal is stated in my September 3 and 16 submissions as follows:

For as long as I am negotiating for, or have an agreement of, employment or compensation with any entity listed above, I will comply with all recusal obligations under 5 C.F.R. part 2635 and, where applicable, 18 U.S.C. § 208. I understand that it is my responsibility to consult an agency ethics official if I have questions regarding these recusal obligations.

The general standard for recusal, to which I have agreed, is set out in 5 C.F.R. § 2635.604(a). That provision states that a federal employee "shall not participate personally and substantially in a particular matter that, to his knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom he is seeking employment." Also, the regulation at 5 C.F.R. § 2635.402 states that "[a]n employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him . . . has a financial interest, if the particular matter will have a direct and predictable effect on that interest."

Consequently, I am recused from all matters having a direct and predictable effect on the financial interests of Stoel Rives. This would of course include any matter having a direct and predictable effect on the financial interests of the firm's clients if they are actually represented by Stoel Rives as to such matters before the Commission. By recusing myself from FERC matters concerning Stoel Rives, I have fully complied with all applicable ethics standards. Accordingly, my recusal promotes the public's confidence in the integrity and impartiality of Commission proceedings. In fact, there has not been a single complaint of record that I have failed to recuse myself from any matter involving Stoel Rives or a Stoel Rives client.

Please note that I never stated that I intended to serve as FERC Chairman "until the end of this session of Congress." In fact, to help provide time to allow for an orderly transition at FERC, I informed the White House that I would remain with the FERC until the Senate confirmed a new Commissioner. Given that this process has taken much longer than I expected, and due to my commitment to make an orderly transition, I have remained as the FERC Chairman beyond my initial expectation. I am hopeful that this transition process will be completed soon.

I am committed to ensuring the public's confidence in the integrity of Commission proceedings and decisions. This has been my commitment throughout my tenure at the Commission and shall remain a top priority for me. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Wellingshoff', is written over the printed name and title.

Jon Wellingshoff  
Chairman